



Illinois Poised to Expand General Jurisdiction for Toxic Injury and Illness Lawsuits

JUNE 2025

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On May 31, 2025—the last day of the spring legislative session—the Illinois General Assembly passed Senate Bill 328, a potentially far-reaching change to the Code of Civil Procedure. If enacted, the bill would significantly expand the circumstances under which Illinois courts may exercise general personal jurisdiction over out-of-state business corporations. The bill awaits Governor Pritzker’s signature.

SB 328 provides that a foreign corporation consents to general personal jurisdiction in Illinois if it lawfully registers to do business under 805 ILCS 5/13.20 or unlawfully transacts business without registering under 805 ILCS 5/13.70(c)—provided two key conditions are met, discussed below.

This approach builds on the “consent-by-registration” theory of personal jurisdiction that the U.S. Supreme Court reaffirmed in *Mallory v. Norfolk Southern Railway Co.*, 600 U.S. 122 (2023). There, the Court upheld Pennsylvania’s foreign corporation registration law, which conditioned the right to operate in the Commonwealth on permitting “state courts ‘to exercise general personal jurisdiction’ over” a company to the same degree as domestic corporations. *Id.* at 134. *Mallory* grounded its holding in the 1916 decision *Pennsylvania Fire Ins. Co. of Philadelphia v. Gold Issue Mining & Milling Co.*, 243 U.S. 93 (1916).

Illinois takes a somewhat different tack than Pennsylvania. Consent-based general jurisdiction is available in Illinois only where:

1. the lawsuit “alleges injury or illness resulting from exposure to” a “toxic” substance; and
2. there are “one or more named co-defendants” over whom the court would have jurisdiction under 735 ILCS 5/2-209(a).

As to the first condition, the bill adopts the definition of “toxic” from the Uniform Hazardous Substances Act, which defines a toxic substance as “any substance (other than a radioactive substance) which has the capacity to produce bodily injury or illness to man through ingestion, inhalation, or absorption through any body surface.” 430 ILCS 35/2-5.

The second condition—“one or more co-defendants” subject to jurisdiction— is likely to be easily satisfied, particularly in multi-defendant toxic tort suits. Plaintiffs can meet this requirement simply by naming any entity that independently satisfies Illinois’s long-arm statute, 735 ILCS 5/2-209(a).

Foreign companies involved in the manufacture, distribution, or use of potentially toxic substances should take note. If signed by Governor Pritzker, the law will take effect immediately upon signing and will apply:

- Immediately to any foreign business corporation that registers to do business in Illinois after the effective date; and
- For already-registered corporations, on the next date after the effective date that their annual report is due.

SB 328 was sponsored by Senator Don Harmon (Cook County) and Representative Jay Hoffman (St. Clair County). The amendment—introduced via House Amendment No. 2—was supported by the Illinois Trial Lawyers Association.

Tucker Ellis can help clients navigate the implications of SB 328. We can advise on registration status, jurisdictional exposure, and compliance timelines, and we bring deep experience defending toxic tort claims in high-stakes litigation.

Additional Information

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